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Paper No. 9

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MAILED

DEC 09 2003

Technology Center 2100

In re Application of: CARL PHILLIP GUSLER, ET AL.
Application No.: 09/439,054
Filed: November 12, 1999
For: **ENHANCED BACKUP AND RECOVERY
METHODOLOGY**

)
) **DECISION ON PETITION**
) **TO WITHDRAW THE**
) **HOLDING OF**
) **ABANDONMENT**
)

This is in reply to Petitioner's petition to Withdraw the Holding of Abandonment filed in the United States Patent and Trademark Office on October 20, 2003. No fee is required.

The petition is **GRANTED**.

A review of the file record reveals that the application was held abandoned for failure to pay the required issue fee within the Shortened Statutory Period of three months set in the Office Letter mailed July 31, 2002.

Petitioner has submitted a statement from the practitioner stating that the Office Letter was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office Letter was not received. A copy of the docket record where the non-received letter would have been entered had it been received and docketed was also submitted, which included due dates for the practitioner's office for the period the response would have been due.

Since Petitioner has never received the Office Letter mailed July 31, 2002, the holding of abandonment dated October 01, 2003 is withdrawn. The application will be forwarded to the Supervisory Legal Instruments Examiner with the instructions to remail and redate the Office Letter dated July 31, 2002.

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